

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLA BAILEY ENIOLA	:	CIVIL ACTION NO. 1:18-cv-11295
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JETBLUE AIRWAYS CORPORATION	:	
	:	
Defendant.	:	JUNE 20, 2018

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant JETBLUE AIRWAYS CORPORATION (õJetBlueö) hereby removes this state court action to this Court, which was originally filed in the Boston Municipal Court Department, Central Division, Suffolk County, Massachusetts.

In support of its Notice of Removal, JetBlue avers as follows:

1. This action is properly subject to removal under 28 U.S.C. § 1441, because it is a civil action that arises under the Constitution, laws, or treaties of the United States of which this Court has original jurisdiction conferred by 28 U.S.C. § 1331, presents a Federal Question by raising substantial questions of Federal law, and is preempted by Federal law, including by the Convention for the Unification of Certain Rules for International Carriage by Air, May 28, 1999, reprinted in S. Treaty Doc. No. 106-45, 2242 U.N.T.S. 309, 1999 WL 33292734 (2000) (the õMontreal Conventionö).

2. This action is properly subject to removal under 28 U.S.C. § 1441, because it is a civil action of which this Court has original jurisdiction conferred by 28 U.S.C. § 1332 on the basis of diversity of citizenship of the parties.

3. Plaintiff is a citizen and resident of the State of Michigan.

4. Defendant is a Delaware corporation with a principal place of business in New York.

5. The amount in controversy is not yet determined and appears to be in excess of \$75,000, exclusive of interest and costs, in that Plaintiff alleges a rotator cuff injury and future economic and non-economic damages.

6. This Notice of Removal is being filed within the limitations periods of 28 U.S.C. § 1446(b) and (c).

7. The Complaint was filed on May 4, 2018 with the Boston Municipal Court Department, Central Division, Suffolk County, Massachusetts.

8. The legal process was served on JetBlue on June 4, 2018 by a Suffolk County Deputy Sheriff by service on JetBlue's Massachusetts agent for service of process.

9. Plaintiff's action was docketed in and by the Boston Municipal Court Department, Central Division, Suffolk County, Massachusetts and assigned Docket No. 1801CV000748. A copy of the pleadings filed with the state court is attached as Exhibit A, the Deputy Sheriff's Proof of Service on JetBlue is attached as Exhibit B, and constitute all of the pleadings filed in Plaintiff's Massachusetts Boston Municipal Court Department action.

10. Promptly after the filing of this Notice of Removal, JetBlue shall give written notice thereof to all parties.

11. Venue for this removed action is proper, pursuant to 28 U.S.C. §§ 1442(a) and 1446(b), because this Court is the United States District Court for the district and division embracing the place where the removed action was pending.

12. JetBlue will file a copy of this Notice of Removal with the Clerk of the Boston Municipal Court Department, Central Division, Suffolk County, Massachusetts, pursuant to 28 U.S.C. § 1446(d).

13. JetBlue reserves its right to raise all defenses and objections in this action after the action is removed to this Court.

Respectfully submitted,

Defendant
JETBLUE AIRWAYS CORPORATION

/s/ Steven E. Arnold
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Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2018, the foregoing was filed electronically and served by U.S. Mail, postage prepaid, and/or e-mail on all parties and counsel of record as listed below:

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/s/ Steven E. Arnold
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